



Congress, and the Executive Branch. To that end, the Chamber regularly files *amicus* briefs in cases that raise issues of vital concern to the nation's business community.

#### AMERICAN TORT REFORM ASSOCIATION

Founded in 1986, ATRA is a broad-based coalition of more than 300 businesses, corporations, municipalities, associations, and professional firms that have pooled their resources to promote reform of the civil justice system with the goal of ensuring fairness, balance, and predictability in civil litigation. For more than a decade, ATRA has filed *amicus curiae* briefs in cases before federal and state courts that have addressed important liability issues.

#### INTEREST OF AMICI CURIAE

This case is of significant interest to Amici because permitting the state to "contract out" its enforcement power to private attorneys can lead to prosecution of government lawsuits on the basis of profitability, not public interest. Agreements that provide private attorneys with the right to a percentage of the recovery in an action brought on behalf of the state can warp the development of law, are prone to political patronage and exorbitant fees, and create, at minimum, the appearance of impropriety.

The Chamber and ATRA have closely examined this issue, sponsoring studies of the relationship between contingency fee lawyers and state attorneys general in 2000 and 2004. See John Fund, *Cash In, Contracts Out: The Relationship Between State Attorneys General and the Plaintiffs' Bar* (U.S. Chamber Inst. for Legal Reform, 2004), available at <http://www.instituteforlegalreform.com/pdfs/Fund%20AG%20report.pdf>; John Fund & Martin Morse Wooster, *The Dangers of Regulation Through Litigation: The Alliance of Plaintiffs' Lawyers and State Governments* (American Tort Reform Found. 2000), available at <http://www.heartland.org/Article.cfm?artId=8162>. Amici have also filed a brief in a Rhode

Island case presenting similar issues. See Brief of Chamber of Commerce of the United States and the American Tort Reform Association as Amici Curiae in Support of Petitioners, *Rhode Island v. Lead Indus. Ass'n, Inc.*, Case No. 2004-63-M.P. (R.I. filed May 13, 2005).

Amici have a strong interest in ensuring that this practice not be permitted to continue, lest other members find themselves targeted by private attorneys who are clothed in the mantle of state authority, but who are unrestrained by the constitutional checks and ethical obligations on the exercise of that authority. As the Amici bring a specialized perspective to the possibly far-reaching impact of this Court's decision, they have an important, independent contribution to make to the analysis of the issues presented to this Court.

For the foregoing reasons, the Chamber and ATRA respectfully request that the Court grant its motion to file a brief as amici curiae.

Dated: June 1, 2007.

Respectfully submitted,

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